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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,867	11/30/1996	LYLE BATE	26530.4	8271

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HAYNES AND BOONE, LLP  
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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/15/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/450,867

Applicant(s)

BATE ET AL.

Examiner

Stephan F Willett

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-18 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18, 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, ~~11~~, 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use rights is unclear as to whether these are the principals' rights or rights "to an access control list cache" to then access the principals' rights. Thus, it is assumed for examination purposes that rights refer to rights of the principal, not rights "to an access control list cache".

***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-18, 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor et al. with Patent Number 6,178,510 in view of Chang et al. with Patent Number 6,157,953.

3. Regarding claim(s) 1, 11, 15, 23, O'Connor teaches checking user authorization in a computer network and access levels. O'Connor teaches a software agent, col. 7, lines 8-17 interspersed with and within a plurality of computers with links, col. 6, lines 36-37 and gatekeepers/agents associated with users/computers, col. 7, lines 18-25. O'Connor teaches rights of a principle to a resource, col. 8, lines 3-5. O'Connor teaches updating rights to access a resource, col. 8, lines 10-14. O'Connor teaches receiving a request from a software principle, col. 7, lines 65-67. O'Connor teaches retrieving rights, col. 8, lines 27-30. O'Connor teaches a first set of rights, col. 11, lines 18-21. O'Connor teaches second rights at a second location, col. 12, lines 8-10. O'Connor teaches enabling the principal to delegate rights to an entity as "the host acts on the user's instructions ... indicating what information the user wishes the host to retrieve", col. 11, lines 18-21, and col. 12, lines 54-56. O'Connor teaches identifying an access level for a principal, col. 9, lines 14-17. O'Connor teaches a first set of rights, col. 11, lines 18-21. O'Connor teaches the invention in the above claim(s) except for explicitly teaching updating of user's rights. In that O'Connor operates to check requests to content servers, the artisan would have looked to the network access controlling arts for details of implementing user verifications. In that art, Chang, a related access controlling network system, teaches "a method of automating the process of registering new applications and services", col. 5, lines 39-41 in

checks  
→ 23

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order to provide updated rights. Chang specifically teaches that “typically an administrator will choose all the service hosts that contain services that were recently modified or added”, col. 10, lines 31-33. Further, Chang suggests “there can be many service hosts, each of which have several services available”, col. 10, lines 28-29 which will result from implementing his rights verification. The motivation to incorporate updated user’s rights insures that various software alternatives are supported for added usability. Thus, it would have been obvious to one of ordinary skill in the art to incorporate updates as taught in Chang into the rights levels described in the O’Connor patent because O’Connor operates with security levels and Chang suggests that optimization can be obtained when capabilities are added. Therefore, by the above rational, the above claim(s) are rejected.

4. Regarding claims 2, O’Connor teaches a table of principles, col. 9, lines 1-2.
5. Regarding claims 3, O’Connor teaches a table of rights and even formulas, col. 9, lines 2-5.
6. Regarding claims 4, Chang teaches a table of access to a resource, col. 14, lines 18-20.
7. Regarding claims 5-6, 12-13, 16-17, 24-25, Chang teaches a resource manager to map access to a directory of rights, col. 12, lines 53-58 and O’Connor at col. 9, lines 60-62.
8. Regarding claims 7, 10, 14, 18, Change teaches updating of rights based on various criteria, col. 10, lines 19-23, and O’Connor teaches rights updates at scheduled times, col. 10, lines 54-55.
9. Regarding claims 26, 28, O’Connor teaches equal or less level of rights, col. 9, lines 7-11.
10. Regarding claims 27, O’Connor teaches allocating authority for a limited lifespan, col.

10, lines 54-67 as the numerous conditions that would terminate the user's rights which would also terminate the second software's rights.

### **Response to Amendment**

11. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected. For example, "a request from the principle for the rights", not the data in the resource or access to the data, but the rights.

12. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference.

13. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

14. Applicant suggests "deputizing the principal to enable the principal to delegate the rights to at least one software entity", Paper No. 10, Page 8, lines 18-19 is not taught. However, O'Connor teaches enabling the principal to delegate rights to an entity as "the host acts on the user's instructions ... indicating what information the user wishes the host to retrieve", col. 11, lines 18-21, and col. 12, lines 54-56 and at Change, col. 6, lines 52-57. This limitation simply requires a user to authorize a second piece of software to utilize or act on the rights afforded to the user on behalf of the user and naturally the second software can only perform actions that are allowed based on the rights granted to the user. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

15. Applicant clarifies “particular findings must be made as to the reasons”, Paper No. 10, Page 11, lines 6-7 to combine. First, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the cited portions of the references and relevant portions of the reference. However, Chang, a related access controlling network system, teaches “a method of automating the process of registering new applications and services”, col. 5, lines 39-41 and Chang specifically teaches that “typically an administrator will choose all the service hosts that contain services that were recently modified or added”, col. 10, lines 31-33 which is analogist to rights afforded users and processes in O'Connor but Change adds additional capability. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

### Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**